

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 347

Introduced by Cornett, 45.

Read first time January 15, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to dogs; to amend section 54-601, Reissue
2 Revised Statutes of Nebraska; to eliminate liability with
3 respect to governmental agencies as prescribed; and to
4 repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-601, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 54-601 (1) Dogs are hereby declared to be personal
4 property for all intents and purposes, and, except as provided in
5 subsection (2) of this section, the owner or owners of any dog
6 or dogs shall be liable for any and all damages that may accrue
7 ~~(1)~~ (a) to any person, other than a trespasser, by reason of
8 having been bitten by any such dog or dogs and ~~(2)~~ (b) to any
9 person, firm, or corporation by reason of such dog or dogs killing,
10 wounding, injuring, worrying, or chasing any person or persons or
11 any sheep or other domestic animals belonging to such person, firm,
12 or corporation. Such damage may be recovered in any court having
13 jurisdiction of the amount claimed.

14 (2) A governmental agency or its employees using a dog in
15 military or police work shall not be liable under subsection (1)
16 of this section if the damage occurred while the dog was defending
17 itself from a harassing or provoking act or the damage was the
18 result of a reasonable use of force while the dog or dogs were
19 assisting an employee of the agency in any of the following:

20 (a) The apprehension or holding of a suspect if the
21 employee has a reasonable suspicion of the suspect's involvement in
22 criminal activity;

23 (b) The investigation of a crime or possible crime;

24 (c) The execution of a warrant; or

25 (d) The defense of a peace officer or another person

1 other than the suspect.

2 Sec. 2. Original section 54-601, Reissue Revised Statutes

3 of Nebraska, is repealed.